

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare – Khammam District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R 1959, by Sri Gaddam Guruvaiah S/o Lingaiah & Pachipala Mallaiah S/o Mysaiah R/o Usirikayalapally (V) Singareni (M), Khammam against the orders of the Agent to Government in CMA No.20/2000 dt:18-2-2002 – Dismissed- Orders-Issued.

SOCIAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No: 207

Dated:20 -11-2008.

Read the following:

1. From Sri Karri Suryanarayana, counsel for the Petitioner, Revision Petition dt:29-4-2002.
2. Government Memo No.6677/LTR-2/2002 dt:22-5-2002.
3. From the Hon'ble High Court of Andhra Pradesh in W.P No.14552/2002, dt:11-9-2002.
4. From Collector, Khammam R.C No.F1/CMA/20/2000 dt:28-8-2002.
5. Government Memo No.6677/LTR-2/2002 dt:10-10-2002, 21-01-2003, 27-2-2004, 20-5-2004 and 1-4-2005.
6. Government Telegram No.6677/LTR-2/2002, dt:21-3-2007 and 3-4-2007.

ORDER:

In the reference 1st read above Sri Gaddam Guruvaiah S/o Lingaiah & Pachipala Mallaiah S/o Mysaiah has filed a Revision Petition before the Government against the orders of the Additional Agent to Government in CMA No.20/2000 dt:18-2-2002 in respect of lands admeasuring Acres 3.00 in Sy.No.31A and Acres 2.18 guntas in Sy.No.31 A/2 respectively situated at Usirikayalapally (V) Singareni (M), of Khammam District. The main grounds of the appellant in the Revision Petition among others are as follows:-

- i. 1st petitioner Gaddam Guravaiah purchased an extent of Acres 3.00 in Sy.No.31 and 2nd petitioner Pachipala Mallaiah purchased an extent of Acres 2.18 guntas in Sy.No. 31 A/2 situated at Usirikayalapally Village of Singareni Mandal in Khammam District, long back from the 4th respondent i.e. Lakavath Tulisya (tribal). Since then they are in possession and enjoyment and paying land revenue.
 - ii. Though they were in possession and enjoyment of the land from the last 40 years i.e. prior to commencement of Land Transfer Regulation 1/59, the Agency Divisional Officer, Kothagudem, issued ejectment order in LTR Case Nos.34/95, dt:18-7-1996 and 35/95, dt:24-7-1996 which was subsequently upheld by the Agent to Government, Khammam in CMA No.20/2000, dated: 18-2-2002.
 - iii. Original pattedars are also not obtaining their possession and Mandal Revenue Officer is also issuing receipts whenever Land revenue is paid.
 - iv. Land Transfer Regulation is not applicable as the land was purchased long back in 1962.
2. The case was initiated on a report of Mandal Revenue Officer, Singareni (M), dt:24-8-1994. The Special Deputy Collector (TW), after hearing both the parties held that the transaction took place between Lakavath Jetram and Patchipala Mallaiah in LTRP No. 34/95 and in LTR Case No. 35/95 by Lakavath Tulisya and Patchipala Mallaiah are void ab-initio, since the respondent i.e. Patchipala Mallaiah did not establish any legal transaction from the pattedar the continuation of occupation by the respondent over the scheduled land is against the provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 as amended by Act 1/70. Hence the Agency Divisional Officer ordered ejectment of the petition scheduled land and possession be restored to the tribal petitioner or his heirs vide LTR case No.34/95, dated:18-7-1996, and 35/95, dated:24-7-1996 respectively. Aggrieved by the order, the petitioner filed an appeal before the Agent to Government. The Agent to Government after verification of Lower Court records held that, it is crystal clear that the Appellants came into possession of the suit scheduled land only after crucial period after enforcement of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1 of 1959 read with Regulation 1/70 with

effect from 3-2-1970, and that the Appellants were never in possession of the suit scheduled land before commencement of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1/1959 read with Regulation 1/70. The Agent to Government upheld the orders passed by the Lower Court on 18-7-1996 in LTR case No.34/95 and 35/95 dated:24-7-1996, by the Agency Divisional Officer, Kothagudem dismissed the appeal vide CMA No:20/2000 dated:18-2-2002, vacated the stay granted earlier on 8-9-2000 in IA No.55/2000, 56/2000.

3. In the reference 2nd read above, the Agent to Government, Khammam was requested to furnish parawise remarks and case records and the same were furnished in the reference 4th read above. After examination of the case records notices were issued to the petitioner in the Revision Petition to attend the hearing of the Revision Petition on 11-4-2002, 17-2-2003, 5-3-2004, 29-5-2004, 20-4-2005, 24-3-2007 and after several adjournments the case was finally heard on 9-4-2007. The petitioners were absent and the Counsel for the petitioners present and argued the case corroborating the grounds in the Revision Petition.

4. Government after careful examination of the material evidence on record found that:

- a. As seen from the Village pahanies for the crucial period of the Land Transfer Regulation, i.e. 1962-63 to 1973-74 and 1994-95, Sy.No.31A (Acres 4.36) stands patta in the name of tribal Lakavath Jaitram and Sy.No.31AA (acres 2.18) stands patta in the name of Lakavath Tulisya for all these years.
- b. Gaddam saidulu's name was recorded in cultivator column against Sy.No.31AA for an extent of Acres 0.23 ½ guntas from 1975-76 only. Pachipala Mallaiah name recorded in cultivator column only from 1978-79 against Sy.No.31AA to an extent of Acres 2.00.
- c. **In the case of Gaddam Guruvaiah, 1st petitioner**
 - i. Regd. Sale deed No.119, dt:13-4-1978 was executed by Lakavath Tulisya towards sale of Acres 0.22 ½ guntas in sy.No.31AA.
 - ii. Land Revenue receipts for the year 1963-64, 1964-65, 1965-66 were issued in favour of Gaddam Guruvaiah, i.e. 1st petitioner for Sy.No.31AA to an extent of Acres 1.05 guntas are on white paper slips without any official seal of Tahsil Office. The printed receipts bearing Nos.430288 (issued for 1964-65) and 430333 (issued for 1963-64) clearly established manipulation from out of the unused receipts and cannot adduce any evidence.

Therefore the Transaction for 0.22 ½ guntas was from the tribal to non-tribal.

d. **In the case of Pachipala Mallaiah, i.e. 2nd petitioner**

- i. Regd. Sale Deed No.63, dt:15-3-1978 was executed by Lakavath Mangya S/o Jaitram towards sale of Acres 2.00 in Sy.No.31 A.
- ii. Sada Sale agreement dt:13-11-1979 (on Rs.3/- stamp paper) was executed by Lakavath Tulisya towards sale of 0.30 guntas in Sy.No.31 AA.
- iii. Sada sale agreement dt:12-2-1977 was executed by Lakavath Mangya towards sale of Acres 2.00 in Sy.No.31 A.
- iv. Land Revenue receipts for the years 1963, 1964, 1965, 1966, 1967 and after 1975 pertaining to Pachipala Mallaiah, i.e. 2nd petitioner in respect of Sy.No.31AA for an extent of Acres 3.30 guntas were verified. The receipts for 1963 and 1964-65 are printed receipts bearing Nos.430275 issued on 10-6-1963 and 430267 issued on 3-2-1965 which clearly established that they are manipulated one from out of the unused receipts (as seen from the dates of issue according to the serial number). The receipts for 1966, 1967 are not printed one and issued on white paper chits without any official seal of Tahsil office. Hence, they are fabricated and cannot adduce evidence of possession prior to crucial period. The other receipts were issued after 1975.

Thus the transaction was for Acres 4.30 guntas was from tribal to non-tribal.

- v. All the above sale deeds either registered or unregistered are executed only after 1973 i.e. after commencement of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59 which came into force in Telangana area from 1-12-1963 and subsequent amendment 1/70 with effect from 3-2-1970. Thus, the transactions held from tribal to non-tribal are prohibitive Under Section 3 (1) (a) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959.

5. Government, after careful examination of the case records, find no reason to interfere with the orders of the Agent to Government, Khammam in CMA No.20/2000 dt:18-2-2008 and accordingly dismiss the Revision Petition.

6. The Collector, Khammam District / Agent to Government, Khammam is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANCHRA PRADESH)

**A.K.TIGIDI,
PRL. SECRETARY TO GOVERNMENT.**

To

The Collector, Khammam District.

(With RPAD of the following Records)

1. LTR Case No: 34/95-40, 34/1/95-12 & 35/95-50 total 102 pages.
2. F1. CMA No:20/2000 containing CFP 356 & NFP 6 total 362 pages only.

The Agent to Government, Khammam District.

The Agency Divisional Officer, Kothagudem, Khammam.

The Mandal Revenue Officer, Singareni (M) Khammam District.

Sri Karri Suryanarayana, Advocate,

L.I.G. 460, Bharath Nagar Colony, Hyderabad.

Sri Gaddam Guruvaiah S/o Lingaiah

R/o Usirikayalapally (V) Singareni (M), Khammam District.

Sri Pachipala Mallaiah S/o Mysaiah,

R/o Usirikayalapally (V) Singareni (M), Khammam District.

Sri Lakavath Tulisya, S/o Jesya,

R/o Usirikayalapally (V) Singareni (M), Khammam

Copy to the P.S to M (TW&RAID).

SF / SC

// FOWARDED BY ORDER //

SECTION OFFICER